

REMARKS/ARGUMENTS

Summary of Office Action

The Examiner rejected claims 20, 21, 29-33 and 36 under 35 U.S.C. 102(b) as anticipated by Oscarsson and/or Juliar. The Examiner also rejected claims 20, 21, 23-27 and 29-36 as anticipated by Lowell; and claims 20, 29, 30, 36 and 38-40 as anticipated by PCT Publication WO 00/44778, corresponding to U.S. Pat. No. 6,951,611 (Dannenmaier et al).

Remarks re Claim Amendments

By this amendment, claims 38, and 39 have been re-written in independent form. Claim 37 is an allowed independent claim. All other pending claims have been canceled, without prejudice to Applicant's right to re-introduce the subject-matter of the canceled claims in future proceedings.

Applicant submits that this amendment merely cancels claims and removes issues for appeal, thus complying with the requirements of 37 CFR 1.116(b)(1) and/or (2) for entry of amendments after a final action.

Remarks re s.102 Rejections

Applicant submits that during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification (MPEP 2111). The "broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach" (*In re Cartright*, Fed. Cir. 1999).

Claims 38 and 39 each recite a header for a water treatment module comprising among other things, a shell. Embodiments of the shell include shell 106 in Figures 3 and 4, and shell 206 in Figures 8 and 9. In each case, the shell has a body that provides both a potting recess and a permeate collection cavity. The body of the shell defining these features remains intact before, during, and after

steps in making the header, including, for example, potting hollow fibers in the potting recess.

A body that first defines a potting recess, is used for potting, and then thereafter is cut and has hollow caps attached thereto is beyond the broadest reasonable interpretation consistent with the specification, and is inconsistent with the interpretation that those skilled in the art would reach.

Bearing this in mind, Applicant submits that Dannenmaier fails to anticipate claim 38. The structure of Figure 6, i.e. the filter housing 13, provides a body with a potting recess in which hollow fibers are potted, but the body fails to include a permeate collection cavity. The filter housing 13 fails to anticipate the shell of claim 38.

The structure of Figure 7 shows a competed filter assembly using the housing 13. The filter housing 13 has its ends cut off at least far enough to open up the ends of the potted fibers. This is taught, for example, at page 4, lines 10-12 (in the PCT application). End caps ("terminating parts") 47 are then attached to the ends of the shortened housing. The end caps 47 would not be interpreted by one skilled in the art to fall within the scope of the term "shell" of claim 38. Also, the end caps 47 do not include a potting recess, and fail to anticipate claim 38 for that reason as well.

The overall structure of Figure 7 (i.e. housing with end caps) would also not be interpreted by one skilled in the art to disclose the "shell" of claim 38. A permeate cavity, if provided at all, would only be present after potting the fibers in the housing 13, cutting off the ends of the housing 13, and securing the end caps 47 to the shortened housing 13. Furthermore, the structure of Figure 7 fails to show outlets of an injection duct plugged by the block of resin in which the fibers are potted, and the duct comprising a bore through the shell, as claimed in claim 38. The end caps 47 plainly have no resin injection ducts passing therethrough.

The Examiner may be relying on the apertures 57 in the un-cut housing 13 of Figure 6 as disclosing the "outlets" of claim 38. However, the apertures 57 are not shown in Figure 7. Furthermore, since the apertures 57 are positioned near the ends of the housing 13 (Figure 6), and apparently at a longitudinal position equal to the ends of the fiber bundles 41 (see Figure 3), it seems likely that the apertures 57 would be removed when cutting off the ends of the housing 13 to expose the lumens of the fibers. In any event, the Dannenmaier reference fails to disclose the identical invention in as complete detail as claimed in claim 38, which is a requirement for a proper anticipation rejection (cf. MPEP 2131). Accordingly, the Dannenmaier reference fails to anticipate claim 38, and Applicant submits claim 38 is allowable thereover.

Claim 39 also recites a header comprising, among other things, a shell, a potting recess, a block of resin in the potting recess, and a permeate cavity. Applicant submits that these limitations are not anticipated by Dannenmaier for reasons similar to those presented in regard to claim 38. Applicant submits that claim 39 is allowable over Dannenmaier.

Claim 37 stands allowed.

Conclusion

Applicant respectfully submits that this application is now in condition for allowance. Prompt notice to that effect is respectfully requested.

If additional fees are required, please charge the fees to our Deposit Account No.
02-2095.

Respectfully submitted,

COTE ET AL.

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